

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

July 12, 2023

United States of America

v.

Evin Turner
Montrell Traylor

Defendant(s)

Case No.

4:23-mj-1412

Nathan Ochsner, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 06/30/2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 2119(a)

Took or attempted to take, by causing serious bodily injury, a motor vehicle that had been transported, shipped, or received in interstate commerce from a person by force or intimidation.

18 U.S.C. 924(c)(1)(A)(iii)

Discharging of a Firearm During and In Relation to a Crime Violence.

This criminal complaint is based on these facts:

See Attached Affidavit in Support of Application


☒ Continued on the attached sheet.Digitally signed by
ANDREW THOMPSON
Date: 2023.07.12
10:24:38 -05'00'

Complainant's signature

Andrew Thompson, Special Agent ATF

Printed name and title

Sworn to before me via telephone,

Date: 07/12/2023

Judge's signature

City and state: Houston, Texas

Christina Bryan, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Andrew Thompson, being duly sworn, do hereby depose and state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been since October 2021. I am a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. I graduated from the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, Georgia. I am presently a member of ATF Houston Crime Gun Strike Force. As a Special Agent of the ATF, my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Title 18 of the United States Code.

2. I have received additional law enforcement training at The Houston Police Department. I was employed by the Houston Police Department for five years. While at the Houston Police Department, I was assigned to a divisional gang unit as well as being a homicide detective. I am a graduate of Texas State University with a Bachelor degree in Criminal Justice. Prior to college I spent four years in the United States Marine Corps where I was an infantryman. My current assignment with the Houston Crime Gun Strike Force, involves the investigation of Robberies that affect interstate commerce (Hobbs Act), and violent criminals.

3. The facts contained in this affidavit are based upon information provided to me by other law enforcement officers and witnesses. Since this affidavit is made for the limited purpose of supporting a Criminal Complaint, I have not set forth each and every fact learned during the course of the investigation. Rather, I have set forth only those facts that I believe are necessary to

establish probable cause for the crimes charged. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part only.

4. Affiant received information from ATF Task Force Officer Willie West regarding the carjacking and shooting that occurred on June 30th, 2023, in Houston, Texas, Southern District of Texas. The suspects were later identified as Evin Turner (DOB XX/XX/2003) and Montrell Traylor (DOB XX/XX/1997). Turner and Traylor are in violation of carjacking, 18 USC 2119 and discharge of a firearm during and in relation to a crime of violence, 18 USC 924(c)(1)(A)(iii).

PROBABLE CAUSE

5. Affiant learned from HPD Robbery Detective and ATF Task Force Officer Willie West, that an aggravated robbery, specifically a carjacking, had occurred at 2300 Converse, Houston, Harris County. Task Force Officer West made the scene and began the processing the scene. This case is documented under Houston Police Department report # 925749-23.

6. Task Force Officer West told Affiant that he arrived on scene and met with primary HPD Officers J. Hernandez and M. Bawchich. Task Force Officer West learned from speaking with officers that the complainant, Diogense Powell, was shot three times and transported to Memorial Herman Hospital for treatment. Affiant was advised that the suspects then stole Complainant Powell's vehicle and crashed it approximately three blocks from the original scene. Task Force Officer West went to the scene of the crash and found blood in the vehicle and that the airbags had been deployed. The following day Affiant and other members of the ATF Crime Gun Strike Force canvassed the location of the vehicle accident and were able to find video showing the crash and one of the suspects running away on foot.

7. Affiant learned that Detective J. Curtis, a peace officer employed by the Houston Police Department (HPD) currently assigned to the Robbery Division Violent Offender Squad, spoke with Complainant Powell at the hospital. Complainant Powell told Detective Curtis that on June 29th, 2023, at approximately 2230 hours, he parked his vehicle in the 2300 block of Converse and walked to JR's located at 808 Pacific Street. Complainant stated around an hour later he walked back to his vehicle, a Mercedes-Benz that was white in color and not manufactured in the state of Texas and thus traveled in and affected interstate commerce. Complainant Powell stated that he was sitting in his vehicle when he was approached by Suspect #1 and Suspect #2 on the drivers side of the vehicle. Complainant Powell stated that suspect #1 pointed a black semi-automatic weapon at him and demanded the keys to the vehicle. Complainant Powell said suspect #1 told him that he would kill him if he did not comply. Complainant Powell stated that as he was giving the keys to his vehicle to suspect #1; suspect #1 shot him. Complainant Powell stated he only remembered hearing one shot and then fell to the ground in pain.

8. Task Force Officer West spoke with Affiant and other members of the Crime Gun Strike Force who offered assistance in locating and collecting video in the area of the incident. ATF Special Agent Campbell, also assigned to the Crime Gun Strike force was assisting in canvassing for video surveillance, was approached by the manager of In Bloom Inc located at 814 Fairview Houston, Harris County, TX. The manager provided Special Agent Campbell with a copy of video documenting the carjacking and shooting. Affiant viewed the surveillance video and observed the complainant to be sitting in his vehicle. Affiant observed the suspect vehicle (a black 4 door vehicle)

pull up and turn their lights off. Affiant observed the suspect to then turn the lights on and move to the left side of the street where they turned on their hazard lights.

9. Affiant observed suspect #1 and suspect #2 exit the vehicle and approach the complainant's vehicle. Affiant observed suspect #1 walk around to the passenger side of the vehicle as suspect #2 approached the driver's side of the vehicle. Affiant observed suspect #2 open the complainant's driver side door. Affiant observed a struggle take place with the suspects and complainant. Affiant observed suspect #1 point a handgun towards the driver's side of the vehicle. The video had audio and affiant could hear suspect #1 fire three times. Affiant observed suspect #2 get back into the vehicle that they arrived in while suspect #1 got into the complainant's vehicle and drove away. The original suspect vehicle had a loud muffler sound that made a unique sound as the vehicle accelerated away.

10. Task Force Officer West spoke with Complainant Powell who stated he was able to track his cell phone that was left in his stolen car, through the find my iPhone app. Complainant Powell stated that the last known location of his phone was at 9555 S. Post Oak Rd, Houston, Harris County, TX. Task Force Officer West contacted Special Agent Campbell who then contacted Affiant and passed on the information given by Complainant Powell. Special Agents with the Crime Gun Strike Force and HPD officers with the Tactical Surveillance Team, determined there to be a Wal-Mart at that location, specifically Wal-Mart #2718. Through training and experience, Agents and Officers know "Eco ATMs" are placed inside Wal-Mart stores as convenient locations for citizens to sell cell phones. Task Force Officer West spoke with complainant Powell who provided IMEI number and officers ran the number through law enforcement databases and found that an "Apple: I-Phone 14

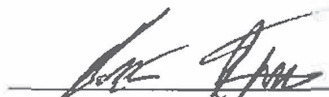
Pro Max” was dropped into the Eco ATM on June 30th, at approximately 1921 hours. The person that sold the phone to the Eco ATM was suspect Montrell Traylor. Images were provided from the transaction, one of which was a photograph of a Texas ID card belonging to Montrell Keyshawn Traylor. Affiant and Special Agent Campbell were able to retrieve the stolen phone from the Kiosk with the help of the Eco ATM company. The lock screen on the phone showed a picture of Complainant Powell.

11. Special Agents and Officers were able to review surveillance footage showing Traylor exit the store with a white male and black female. The three were seen getting into a dark color Infiniti bearing Texas license plate “SWX-2017” which is registered to a “Evin Turner” Special Agents and Officers went to the vehicle’s registered address where they located the vehicle and began conducting surveillance. The registered vehicle had the same unique muffler system heard in the surveillance video the night of the shooting.

12. On Friday July 7th, both Traylor and Turner were arrested for state probable cause warrants and taken to ATF Houston Field Division where they were both questioned by Special Agent Campbell and Task Force Officer West. Turner was interviewed first and admitted to being the driver during the incident. Traylor admitted to shooting Complainant Powell but doesn’t remember why, he stated it was possibly because of something Complainant Powell said that made him angry.

13. Based on the foregoing your Affiant believes there is probable cause to believe that on June 30th, 2023, Montrell Traylor and Evin Turner discharged a firearm and carjacked Diogense Powell

at 2300 Converse, Houston, Texas and within the Southern District of Texas, in violation of Title 18, United States Code, Section 2119 and 924(c)(1)(A)(iii).



Andrew Thompson
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed before me by telephone on this the twelfth day of July, 2023 and I find probable cause.



Christina Bryan, United States Magistrate Judge